

COMMITTEE ROOM,
AUSTIN, March 26, 1883.

Hon. A. W. Houston, President pro tem. of the Senate:

Your Committee on State Affairs, to whom was referred House bill No. 69, would respectfully report that they have had the same under consideration, and a majority of said committee instruct me to report the bill back with the recommendation that it do not pass. We do not think it right that the county judges should be required to give a bond. To enact such a law would be imposing a burthen upon and requiring a judge to rest under obligations, with which no judge who has to decide causes between man and man should be trammelled.

All of which is respectfully submitted.

EVANS, for Committee.

Bill read first time.

Senator Harris moved that Senator Davis be indefinitely excused after to-day.

Adopted.

The morning call over,

The Senate went into executive session on the appointments of the Governor.

IN SENATE.

On motion of Senator Harris, the Secretary of the Senate was instructed to inform the Governor that the Senate advises and consents to the following appointments of notaries public, and to have the same printed upon the journal of the Senate:

Burnet county—T. E. Hammond, W. H. Hotchkiss and R. W. Cates.

Lampasas county—A. G. Walker, W. B. Abney, Chas. L. Lauderdale, Henry Exall and M. Roach.

Delta county—M. C. Thompson, R. H. Capers, James M. Brown R. B. Redfern, W. R. Patterson, J. B. Simpson.

Franklin county—P. S. Banks, S. M. Stanley, B. L. Blake, T. W. Templeton, F. M. Hastings, Joel Arrington.

Camp county—John W. Hooper, Pittsburg; C. Estes, Leesburg; C. G. Davis, Pittsburg.

Hopkins county—W. B. James, A. A. Henderson, J. S. Moore, R. S. Blythe, Gus Garrison, F. M. Rogers, W. D. Byrd, C. B. Williams, R. L. Askew, G. M. Christian, W. A. Green, T. A. StClair, J. P. Gist, Will T. Holderness, M. W. Parnell, H. C. Barker, B. F. Stephens, Joseph Brashar.

Hunt county—E. B. Lewis, W. S. Ward, S. B. Etter, R. R. Neyland, Jno. O. Wilkinson, A. S. Marshall, J. H. Jernigan, Sam Davis, Wm. McBride, Tom G. Smith, W. C. Vallandingham, W. H. Key, P. B. Corzine, J. G. Methvin, D. A. Edwards, H. H. Wood, Arthur D. Jackson, Wesley C. Walker, W. R. Lane and J. T. Roberts.

Collin county—T. H. Emerson, Geo. Mountcastle, C. C. Perrin, R. T. Shelton, T. E. Shirley, Jesse Coffee, P. B. Muse, Jack Jenkins, G. J. Davie, J. T. Largent, John Reacer, F. M. Bounds, John Church, T. B. Wilson, J. H. Jenkins, M. H. Byrne, John C. White, W. T. Moore, J. B. Lucas.

Denton county—John Collier A. J. Nance, John J. Gannan, E. F. Bates, A. C. Ousley, F. E. Piner, L. C. Jagoe, James Eads, C. J. Shapard, John Haynes, J. H. DeGan, J. C. Wright, W. L. Rector, Ben Moss, John M. Copley, Jas. Sullivan, R. B. Harris, J. E. McWhirrior, T. M. Smith and H. S. Parvin.

On motion of Senator Pope, the Senate adjourned till 3 o'clock this afternoon.

AFTERNOON SESSION.

Senate met pursuant to adjournment.

President pro tem. in the chair.

Roll called. Quorum present.

The pending business being the consideration of House bill No. 394, the appropriation bill, Senator Harris was called to the chair, and the Senate went into committee of the whole and proceeded to consider the bill.

IN THE SENATE.

(The President pro tem in the chair.)

Senator Harris, chairman of committee of the whole, re-

ported progress and asked that the committee be allowed to sit again to-morrow morning, after the morning call.

Report adopted and request granted.

A message was received from the House announcing the passage by that body of the following bills:

Senate bill No. 250, "An act to permit the State Fireman's Association to erect a monument in the Capitol grounds, in the city of Austin."

House bill No. 194, "An act to amend title 32, chapter 17, of the Revised Statutes of the State of Texas, by adding thereto articles 1639a and 1639b."

Referred to Judiciary Committee No. 1.

House bill No. 282, "An act to establish uniform weights per bushel of wheat, corn and other products of the State."

Referred to Committee on Agricultural Affairs.

House bill No. 295, "An act to amend article 1059, chapter 3, title 15, of the Code of Criminal Procedure of the State of Texas."

Referred to Judiciary Committee No. 2.

House bill No. 313, "An act to amend article 1639 of the Revised Civil Statutes."

Referred to Judiciary Committee No. 1.

Also, House bill No. 395, "An act to grant Fannie A. Darden, sole heir of Mosley Baker, deceased, a league and labor of land, in lieu of the headright certificate granted her father by the Republic of Texas."

Referred to Committee on Private Land Claims.

The President signed the following bills:

House bill No. 513, "An act to authorize the Secretary of State to sell copies of the general and special laws of the State."

House bill No. 175, "An act to amend article 951, title 24, of the Revised Statutes of the State of Texas."

The following message was received from his Excellency the Governor:

EXECUTIVE OFFICE,
AUSTIN, March 27, 1883.

To the Senate:

GENTLEMEN—At the request of Dr. M. Salm, heretofore nominated to the office of oculist at the Blind Asylum, I hereby withdraw his name in that connection.

Respectfully,

JOHN IRELAND, Governor.

Senator Davis moved to adjourn till to-morrow morning at 9:30.

Senator Chesley moved to adjourn till to-morrow morning at 10 o'clock.

The motion to adjourn till 10 o'clock was adopted.

SIXTY-THIRD DAY.

SENATE CHAMBER, }
AUSTIN, TEXAS, March 28, 1883. {

The Senate met pursuant to adjournment.

The President pro tem. in the chair.

Roll called. Quorum present.

Prayer by the Chaplain.

On motion of Senator Getzendaner, the reading of the journal of yesterday was dispensed with, and the same adopted.

A message was received from the House informing the Senate of the passage by that body of the following bills:

Substitute for House bills Nos. 101, 143, 181, 216, 372, 375 and 391, "An act to amend articles 3759, 3762, 3766 and 3768, and to repeal article 3758, of chapter 5, title 78, of the Revised Civil Statutes of the State of Texas."

Senate bill No. 269, "An act to provide for the classification, sale and lease of the lands heretofore or hereafter surveyed and set apart for the benefit of the common

schools, university, the lunatic, blind, deaf and dumb and orphan asylum funds," with many House amendments.

Also, the following concurrent resolution:

Resolved by the House of Representatives, the Senate concurring, That the Eighteenth Legislature stand adjourned sine die on Monday, the ninth day of April, 1882, at 12 o'clock m.

Adopted March 27, 1883.

J. W. BOOTH,
Chief Clerk.

Also, the following report:

HALL OF HOUSE OF REPRESENTATIVES,
AUSTIN, March 28, 1883.

Mr. President:

I am instructed to inform your honorable body that the House has concurred in Senate amendments to substitute House bill No. 54, entitled "An act to provide annual pensions for the surviving soldiers or volunteers of the Texas revolution and the surviving signers of the Declaration of the Independence of Texas, and the surviving widows of such soldiers, volunteers and signers."

J. W. BOOTH,
Chief Clerk.

Senator Davis, chairman of Committee on Education, submitted the following report:

COMMITTEE ROOM,
AUSTIN, March 28, 1883.

Hon. A. W. Houston President, pro tem. of the Senate:

Your Committee on Educational Affairs, to whom was referred substitute House bills Nos. 101, 143, 181, 216, 372, 375 and 391, entitled "An act to amend articles 3759, 3762, 3766, 3768, and to repeal article 3758, of chapter 3, title 78, of the Revised Civil Statutes of the State of Texas," have carefully examined the same, and a majority instruct me to report the same back with a recommendation that it do pass.

All of which is respectfully submitted.

DAVIS, Chairman.

Bill read first time.

Senator Traylor, chairman of Committee on Claims and Accounts, submitted the following reports:

COMMITTEE ROOM,
AUSTIN, March 27, 1883

Hon. A. W. Houston, President pro tem. of the Senate:

Your Committee on Claims and Accounts, to whom was referred Senate bill No. 350, entitled "An act authorizing the refunding from the State treasury, from deposits made to special funds to parties who may have paid the same in error, and who may have received no consideration therefor," have carefully examined the same, and a majority instruct me to report the same back with the recommendation that it do pass.

It appears that various persons have paid money into the State treasury on public domain and other classes of lands for which, because of conflicts, erroneous surveys, etc., the Commissioner of the General Land Office cannot issue patents. The interested parties, failing to get patents, very naturally desire a return of their money, for which they receive no land or other consideration. This money, when paid into the treasury, is deposited, as soon as practicable, with the Comptroller to the credit of the proper fund, in consequence of which it is not practicable for the Treasurer to refund it.

We think the treasury should not be burdened with funds that do not properly belong to it, nor should the State retain these funds where patents cannot issue.

All of which is respectfully submitted.

TRAYLOR, Chairman.

Bill read first time.

COMMITTEE ROOM,
AUSTIN, March 27, 1883.

Hon. A. W. Houston, President pro tem. of the Senate:

Your Committee on Claims and Accounts, to whom was referred the memorial of H. C. Denny, praying for an appropriation to pay the claim of J. M. Kiser, former sheriff of Bell county, for conveying one prisoner to the penitentiary, which sum amounts to \$101.50, have carefully examined the same, and instruct me to report the same back with the recommendation that an appropriation for this amount be made and placed on the deficiency bill.

All of which is respectfully submitted.

TRAYLOR, Chairman.

Senator Perry introduced a bill entitled "An act to amend an act entitled 'an act to prescribe the times of holding the district courts in the ninth judicial district,' approved the ninth day of April, A. D. 1879."

Referred to Committee on Judicial Districts.

Senator Shannon introduced the following concurrent resolution:

Resolved, That a committee, consisting of three members of the Senate and three from the House, be appointed to prepare an address to the people touching the constitutional amendments adopted by the Eighteenth Legislature, giving the reasons for the changes thereby proposed in the organic law, and the explanation of their purposes, to the end that the great body of the people may be fully informed with reference thereto, and be better enabled to vote understandingly upon the question of their adoption or rejection.

Adopted.

Senator Evans introduced a bill to be entitled "An act to provide for the printing of the daily proceedings of the Legislature of the State of Texas, and fix the number of copies to be furnished to each of the Senators and House of Representatives."

Referred to the Committee on Public Printing.

The President signed the following bills:

Substitute Senate bill No. 84, "An act to regulate the condemnation of property in cities and towns, for the purpose of opening, widening or changing public streets, avenues or alleys, or for water mains or sewers."

Senate bill No. 250, "An act to permit the State Firemen's Association to erect a monument in the Capitol grounds, in the city of Austin."

Senate bill No. 236, "An act amendatory of an act approved August 9, 1876, entitled 'an act to incorporate the city of Dallas, and grant a new charter to said city,' and the amendments thereto."

A message was received from the House announcing the passage of the following bills:

House bill No. 425, "An act to provide for the dissolution of attachments."

House bill No. 485, "An act for the relief of Alsey S. Miller, Milburn Harral and Mary A. Woods, widow of Gonzales Woods, deceased, survivors of the Dawson massacre, by granting to each one of them a certificate for 1280 acres of land."

House bill No. 539, "An act to amend article 784, of chapter 15, title 17, of the Penal Code."

Substitute House bill No. 469, "An act to enlarge the duties of the Attorney-General of the State, and to conform the duties of county and district attorneys thereto."

House bill No. 466, "An act to amend article 795, chapter 17, of the Penal Code, providing for the protection of creditors of the estates of deceased persons."

House bill No. 460, "An act to amend chapter 6, of title 29, of the Revised Civil Statutes of the State of Texas, by adding thereto, after article 1241, another article to be called 1241a."

House bill No. 406, "An act to amend article 1190 of the Revised Statutes, so as to make the provisions of the article to apply to foreign as well as domestic corporations."

House bill No. 226, "An act to amend article 2266, chapter 4, title 38, of the Revised Civil Statutes, changing the time of filing counter affidavits in cases where the action or defense is founded upon a sworn account."

Substitute House bill No. 390, "An act to amend articles 2389, 2398 and 2400, chapter 3, title 42, of the Revised Civil Statutes of the State of Texas."

Also, Senate joint resolution No. 30, "Requesting Texas Senators and Representatives to urge upon Congress the settlement of the claims of those who suffered from the burning of the town of Brenham, Texas, in 1866."

Also, the following:

HALL OF HOUSE OF REPRESENTATIVES,
AUSTIN, March 28, 1883.

Mr. President:

I am instructed to request the return by the Senate to the House

House joint resolutions Nos. 6, 8 and 27, for further consideration by the House, under a motion to reconsider the vote by which the House refused to concur in Senate amendments to the same.

J. W. BOOTH, Chief Clerk.

Senator Davis moved that the Senate insist upon its amendments to House joint resolutions Nos. 6, 8 and 27, "To amend section 9, article 8, of the Constitution of the State of Texas," and that a conference committee be appointed from the Senate, to act with a like committee from the House, to settle differences.

Adopted, and

The Chair appointed Senators Davis, Fleming and Gooch Senate committee.

The President announced the unfinished business to be the consideration of House bill No. 394, appropriation bill, and called Senator Harris to the chair, to go into committee of the whole.

Senator Gooch called to the attention of the chair that the special order for this hour was Senate joint resolution No. 46, "Revoking the penitentiary lease, under certain conditions," and moved that said resolution be taken up.

Lost, and

Senator Harris took the chair, and

The Senate went into committee of the whole on the appropriation bill.

IN SENATE.

(Senator Houston, President pro tem., in the chair.)

Senator Harris, chairman of the committee of the whole, reported the progress of the committee of the whole in their consideration of House bill No. 394, appropriation, and asked leave to sit again this evening.

Granted.

A message was received from the House informing the Senate of the passage of substitute Senate bill No. 46, "An act to authorize and require the county commissioners' courts of the several counties of this State to provide for the payment of all claims due teachers of public free schools, audited as valid claims under acts of the Legislature of Texas, approved August 7, 1876, or April 22, A. D. 1879, and to audit and pay such as should have been presented to and audited by the auditorial boards provided by said acts."

A message was received from the House announcing the passage by that body of Senate bill No. 120, entitled "An act to provide for the payment of the expenses of attached witnesses in felony cases," with House amendments.

Senate bill No. 135, entitled "An act to create the land districts of Mitchell and Howard," with House amendments.

Senate bill No. 251, entitled "An act to amend article 1077, of chapter 3, title 15, of the Code of Criminal Procedure, relating to fees paid for holding inquests," with House amendments.

On motion of Senator Terrell, Senator King was indefinitely excused, on account of sickness in his family.

On motion of Senator Shannon, the Senate adjourned adjourned until 3 o'clock this evening.

AFTERNOON SESSION.

Senate met pursuant to adjournment.

President pro tem. in the chair.

Roll called. No quorum present.

A call of the Senate was ordered.

Before the call was had a quorum was announced, and

On motion of Senator Harris, the call was suspended.

The following House message was received, announcing

the passage by that body of Senate bill No. 66, entitled "An act confirming patents and surveys by virtue of headright and bounty warrants, issued under special laws enacted after March 31, 1870, and prior to April 17, 1876."

The President called attention to his signing substitute House bill No. 54, entitled "An act to provide annual pensions for the surviving soldiers and volunteers of the Texas revolution, and the surviving signers of the Declaration of Independence, and the widows of such soldiers, volunteers and signers," etc.

A message was received from the House announcing that the House refuses to concur in Senate amendments to substitute House joint resolutions Nos. 4, 10, 11 and 13, "To amend section 3, article 7, of the Constitution of the State of Texas," and that they return to the Senate, as in its request, substitute House joint resolutions Nos. 6, 8 and 27, "To amend section 9, article 8, of the Constitution of the State of Texas."

Senator Peacock moved to reconsider the vote of the Senate had on this morning on substitute House joint resolutions Nos. 6, 8 and 27, with regard to appointing a committee of conference on the same, and return the said substitute House joint resolutions Nos. 6, 8, and 27 to the House, in accordance with the request received from that body.

Adopted, and motion withdrawn.

Senator Harris was called to the chair, and the consideration of House bill No. 394, which was pending on adjournment, was resumed in the committee of the whole.

IN THE SENATE.

(President pro tem. in the chair.)

Senator Harris, chairman of the committee of the whole Senate, reported back to the Senate House bill No. 394, the appropriation bill, with sundry amendments, and recommend the passage of the bill as amended.

Adopted.

Senator Buchanan moved the previous question on the amendments and the passage of the bill to a third reading.

Motion seconded, and main question ordered by the following vote:

YEAS—16.

Buchanan,	Johnston of Shelby,	Perry,
Chesley,	Jones,	Pope,
Collins,	Kleberg,	Shannon,
Fleming,	Martin,	Stratton,
Gooch,	Matlock,	Terrell.
Houston,		

NAYS—11.

Davis,	Harris,	Pfeuffer,
Farrar,	Johnson of Collin,	Randolph,
Getzendaner,	Patton,	Traylor.
Gibbs,	Peacock,	

Amendments adopted by the following vote:

YEAS—15.

Buchanan,	Houston,	Matlock,
Chesley,	Johnston of Shelby,	Pope,
Collins,	Jones,	Shannon,
Fleming,	Kleberg,	Stratton,
Gooch,	Martin,	Terrell.

NAYS—12.

Davis,	Harris,	Perry,
Farrar,	Johnson of Collin,	Pfeuffer,
Getzendaner,	Patton,	Randolph,
Gibbs,	Peacock,	Traylor.

Bill passed to third reading by the following vote:

YEAS—14.

Buchanan,	Houston,	Matlock,
Chesley,	Johnston of Shelby,	Pope,
Collins,	Jones,	Stratton,
Fleming,	Kleberg,	Terrell.
Gooch,	Martin,	

NAYS—13.

Davis,
Farrar,
Getzendaner,
Gibbs,
Harris,

Johnson of Collin,
Patton,
Peacock,
Perry,

Pfeuffer,
Randolph,
Shannon,
Traylor.

The following message was received from the Governor;

EXECUTIVE OFFICE,
AUSTIN, March 28, 1883

To the Senate and House of Representatives:

GENTLEMEN—I herewith return Senate bill No. 333, entitled "An act ceding to the United States government exclusive jurisdiction over certain property in the city of Dallas."

It is presumed that the ownership of this property prior to the gift or purchase by the United States, was in private parties.

It has never been doubted that the Federal government, as a corporation, and to carry out its constitutional duty to the States, could acquire title to such property as might be necessary to conduct its court and postal affairs. To accomplish this, it is not necessary to get the consent of the States. This act, in the first clause, grants the Federal government exclusive jurisdiction over the property named, and in the latter part reserves jurisdiction to the State so far as to allow it to enter and execute its civil and criminal laws.

In my judgment, the act attempts to do exactly what each has the undoubted right to do without the bill.

It would not be competent for the Legislature to yield, or part with the sovereignty of the State, nor would it be competent for the Federal government to so far acquire exclusive jurisdiction over any territory in this State as to exclude the State therefrom, in order to execute her laws. Again, it seems to me, that title 15 of the Revised Statutes makes ample provision on this subject. Article 333 of that title provides how the State may act in such matters. As this title is a general law, and appears full and complete, it appears to me that the bill under consideration is in conflict with the latter part of section 56, article 3, of the Constitution, which reads as follows: "And in all other cases, when a general law can be made applicable, no local or special law shall be enacted."

I am therefore constrained to withhold my approval of said bill, and ask your honorable bodies to reconsider it.

Very respectfully,

JOHN IRELAND,
Governor.

On motion of Senator Gooch, the message and accompanying bill were referred to Committee on State Affairs, the same committee to which the bill was originally referred.

Senator Fleming, by leave, presented the following petition from heads of departments:

AUSTIN, March 28, 1883.

To the Honorable Senate and House of Representatives of the State of Texas:

The undersigned chiefs of departments of the State government would respectfully request the passage of a law exempting the clerks and employees of their respective departments from serving on juries while in the employ of the State. The want of such a statute interferes often very seriously with the business of the public.

Respectfully,

W. C. WALSH,
Commissioner General Land Office.
WM. J. SWAIN,
Comptroller Public Accounts.
F. R. LUBBOCK,
Treasurer.
JOS. W. BAINES,
Secretary of State.
JOHN D. TEMPLETON.

On motion of Senator Fleming, the petition was referred to Judiciary Committee No. 1.

On motion of Senator Matlock, the Senate adjourned until 10 o'clock a. m. to-morrow.

SIXTY-FOURTH DAY.

SENATE CHAMBER,
AUSTIN, TEXAS, March 29, 1883. }

The Senate met pursuant to adjournment.

The President pro tem. in the chair.

Roll called. Quorum present.

Prayer by the Rev. Dr. Striblin, of Rockdale.

On motion of Senator Martin, the reading of the journal of yesterday was dispensed with, and the same adopted.

Senator Harris, chairman of Committee on Judicial Districts, submitted the following report:

COMMITTEE ROOM,
AUSTIN, March 29, 1883.

Hon. A. W. Houston, President pro tem. of the Senate:

Your Committee on Judicial Districts, to whom was referred House bill No. 496, entitled "An act to restore to and confer upon the county court of Titus county the criminal jurisdiction heretofore belonging to it under the Constitution and general statutes of the State, and to conform the jurisdiction of the district court of said county to such change," have carefully considered the same, and instruct me to report it back with the recommendation that it do pass.

HARRIS, Chairman.

Bill read first time.

Senator Fowler, for Judiciary Committee No. 2, submitted the following report:

COMMITTEE ROOM,
AUSTIN, March 28, 1883.

Hon. A. W. Houston, President pro tem. of the Senate:

Your Judiciary Committee No. 2, to whom was referred Senate bill No. 339, entitled a bill to be entitled "An act to amend article 540, chapter 11, of the Revised Civil Statutes," have carefully considered the same, and recommend that said bill do pass.

All of which is respectfully submitted.

FOWLER, for Committee.

Bill read first time.

The President called attention to the following resolution, which was adopted by the Senate yesterday:

Resolved, That a committee consisting of three members of the Senate and three from the House, be appointed to prepare an address to the people touching the constitutional amendments adopted by the Eighteenth Legislature, giving the reasons for the changes thereby proposed in the organic law, and the explanation of their purposes, to the end that the great body of the people may be fully informed with reference thereto, and be better enabled to vote understandingly upon the question of their adoption or rejection.

And appointed as committee on the part of the Senate Senators Stratton, Fleming and Shannon.

Senator Chesley moved that the Senate insist upon its amendments to substitute House joint resolutions Nos. 4, 10, 11 and 13, "To amend section 3, article 7, of the Constitution of the State of Texas," and ask for a conference committee to settle the disagreements on said bill.

Adopted, and

The chair appointed Senators Chesley, Martin and Fleming on said committee.

Senator Martin moved to suspend regular order of business and take up House concurrent resolution on adjournment.

Senator Pfeuffer moved to postpone the resolution and refer it to a committee.

Senator Gibbs moved the adoption of the resolution.

Senator Buchanan moved to postpone the resolution and make it the special order for Wednesday next, April 4, after the morning call.

Senator Davis moved the previous question on the pending resolution.

Motion seconded and main question ordered.

The motion to postpone the concurrent resolution, and make it the special order for Wednesday next, after the morning call, April 4, prox., was adopted by the following vote:

YEAS—19.

Buchanan,
Chesley,
Cooper,
Fleming,
Fowler,
Gooch,
Harris,

Houston,
Johnson of Collin,
Kleberg,
Patton,
Peacock,
Pfeuffer,

Pope,
Randolph,
Shannon,
Stratton,
Terrell,
Traylor.